IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

SA.No. 281 of 1995(A)

AS.165/1991 of III ADDL. DISTRICT COURT, ERNAKULAM
OS.165/1989 of PRINCIPAL SUB COURT,ERNAKULAM

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APPELLANT/RESPONDENT/PLAINTIFF:

M/S. NEW WOODLANDS, A FIRM
REPRESENTED BY ITS PARTNER,
P.N.RAMACHANDRA RAO,
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.P.B.KRISHNAN

RESPONDENT:

A.C.MOHAN, S/O. CHANDRASEKHARAN NAIR,
SARASWATHY NIVAS, PALLURUTHY, COCHIN,
RESIDING AT HARI VIHAR, DIWANS ROAD,
ERNAKULAM.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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S.A.281 of 1995 & I.A.2680 of 2006

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Dated this the 30th day of November, 2006.

JUDGMENT

The respondent in the second appeal has sworn to an affidavit dated 30-11-2006 in support of I.A.No.2680/2006, the relief sought wherein is to record the undertaking in the said affidavit and to dispose of the second appeal in terms of the said undertaking. The learned counsel for the appellant submits that the relief as prayed for may be granted.

In the result, the second appeal is disposed of directing the respondent shall act in terms of the undertaking contained in the aforesaid affidavit, which is hereby recorded as an undertaking before this Court. The affidavit in I.A.2680/2006 will form part of the decree. No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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S.A.281/1995 & I.A.2680/2006

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JUDGMENT

Dated: 30th November, 2006.